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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,375	09/13/2000	Hannes Eberle	23453-020	8034

29315 7590 02/10/2005

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EXAMINER

LERNER, MARTIN

ART UNIT PAPER NUMBER

2654

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/661,375

**Applicant(s)**

EBERLE ET AL.

**Examiner**

Martin Lerner

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27 to 48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27 to 48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/14/04 &amp; 7/15/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS 2/4/04</u> .                       |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 27, 28, 34, 35, 37, 43, 44, and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by *Lumelsky*.

Regarding independent claims 27 and 28, *Lumelsky* discloses a method and system for singlecast interactive radio system, comprising:

“means for providing at least one voice service, to which a plurality of users may subscribe, that can output personalized content during an interactive voice broadcast” – in general, the singlecast interactive radio system 100 delivers digitized audio-based content to subscribers upon their request; the system preferably includes a plurality of user terminals (column 8, lines 37 to 46: Figure 1); associated with each user is a profile, which defines the user’s topics of interest (“personalized content”) (column 19, lines 53 to 56);

“means for generating content for the at least one voice service when the at least one voice service is executed” – content authoring tools enable content creators (e.g.

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news service providers) to produce a highly compressed voice-based information content, to be stored on data network (e.g. Internet) servers, such as the data repository 401 (column 8, lines 46 to 50: Figure 1);

“means for applying subscriber-specific personalization information for each subscriber of the at least one voice service to the generated content, so as to personalize the generated content for each subscriber, wherein personalized content for a subscriber is formatted into a unique active voice page generated for the subscriber” – personal radio station servers (PRSSs) 201 store multiple subscribers' profiles with topics of individual interest, and assemble content material from various Web sites according to topics (column 8, lines 50 to 53: Figure 1); associated with each user is a profile, which defines the user's topics of interest (“personalized content”); the profile content is typically defined in terms of a list of topic categories, e.g. international news, sports news, business news, etc. (column 19, lines 53 to 58); when a subsequent session is initiated, the user will receive all information listed in the user's list of topics, but only that information pertaining to the user selected topics of interest (column 10, line 63 to column 11, line 13); via a pre-fetching mechanism, i.e. using the profiles and noted access patterns of the user, the PRSS may anticipate which information may be of interest in the near future and retrieve such data so that the data is available at the PRSS upon user request; cache-based systems on the market include Netscape® (column 20, lines 40 to 52); a user's list of topics of interest defines “a unique active voice page generated for the subscriber”;

“means for initiating an outbound communication to the subscriber to establish an interactive voice broadcast with the subscriber” – personal radio station servers (PRSSs) 201 transmit the content to a subscriber’s user terminal 301, on the subscriber’s request, over the wireless network 403 (column 8, lines 50 to 55: Figure 1); there are preferably two distinct methods of information retrieval via the PRSS directory services; one method is based on assembling the information on all the topics of interest; when a subsequent session is initiated, the user will receive all information listed in the user’s list of topics, but only that information pertaining to the user selected topics of interest; “push technology” permits a user to create a profile and to receive information on topics identified in his profile via the previously established search criteria (column 10, line 63 to column 11, line 30);

“means for presenting personalized content to the subscriber from the subscriber’s unique active voice page during the interactive voice broadcast” – the user terminal 301 restores voice-based material with AM-radio voice quality or better (column 8, lines 55 to 57: Figure 1); the user terminal 301 receives a CES file(s) via the antenna 311, and decompression engine 314 synthesizes the voice using one or more recorded allophone dictionaries by text-to-speech synthesis; the user may pre-select the type of “voice” he wishes to have narrate the requested decompressed information (column 12, lines 16 to 45).

Regarding claims 34 and 43, *Lumelsky* discloses the encoded speech filed is stored as a data structure, e.g. as an HTML document (column 10, lines 54 to 56); an HTML document is “a markup language document”.

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Regarding claims 35 and 44, *Lumelsky* discloses a user may browse among CES documents according to temporary established search criteria; a user can request additional information on a registered topic of interest; a user may enter a particular search term (e.g. "weather") during an on-line session (column 11, lines 13 to 31); implicitly, entering search terms involves "at least one input element for requesting input from the subscriber" during an on-line session.

Regarding claims 37 and 46, *Lumelsky* discloses a user may browse among CES documents according to temporary established search criteria; a user can request additional information on a registered topic of interest; a user may enter a particular search term (e.g. "weather") during an on-line session (column 11, lines 13 to 31); implicitly, entering search terms involves "dynamically interacting with the subscriber in real-time during the interactive voice broadcast via one or more personalized input embedded in the active voice page".

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 29 to 33, 36, 38 to 42, 45, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lumelsky* in view of *Yost et al.*

Concerning independent claims 47 and 48, *Lumelsky* discloses a method and system for singlecast interactive radio system, comprising:

“providing at least one voice service, to which a plurality of users may subscribe, that can output personalized content during an interactive voice broadcast” – in general, the singlecast interactive radio system 100 delivers digitized audio-based content to subscribers upon their request; the system preferably includes a plurality of user terminals (column 8, lines 37 to 46: Figure 1); associated with each user is a profile, which defines the user’s topics of interest (“personalized content”) (column 19, lines 53 to 56);

“generating content for the at least one voice service when the at least one voice service is executed” – content authoring tools enable content creators (e.g. news service providers) to produce a highly compressed voice-based information content, to be stored on data network (e.g. Internet) servers, such as the data repository 401 (column 8, lines 46 to 50: Figure 1);

“applying subscriber-specific personalization information for each subscriber of the at least one voice service to the generated content, so as to personalize the generated content for each subscriber, wherein personalized content for a subscriber is formatted into a unique active voice page generated for the subscriber” – personal radio station servers (PRSSs) 201 store multiple subscribers’ profiles with topics of individual interest, and assemble content material from various Web sites according to topics (column 8, lines 50 to 53: Figure 1); associated with each user is a profile, which defines the user’s topics of interest (“personalized content”); the profile content is typically

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defined in terms of a list of topic categories, e.g. international news, sports news, business news, etc. (column 19, lines 53 to 58); when a subsequent session is initiated, the user will receive all information listed in the user's list of topics, but only that information pertaining to the user selected topics of interest (column 10, line 63 to column 11, line 13); via a pre-fetching mechanism, i.e. using the profiles and noted access patterns of the user, the PRSS may anticipate which information may be of interest in the near future and retrieve such data so that the data is available at the PRSS upon user request; cache-based systems on the market include NetScape® (column 20, lines 40 to 52); a user's list of topics of interest defines "a unique active voice page generated for the subscriber";

"initiating an outbound communication to the subscriber to establish an interactive voice broadcast with the subscriber" – personal radio station servers (PRSSs) 201 transmit the content to a subscriber's user terminal 301, on the subscriber's request, over the wireless network 403 (column 8, lines 50 to 55: Figure 1); there are preferably two distinct methods of information retrieval via the PRSS directory services; one method is based on assembling the information on all the topics of interest; when a subsequent session is initiated, the user will receive all information listed in the user's list of topics, but only that information pertaining to the user selected topics of interest; "push technology" permits a user to create a profile and to receive information on topics identified in his profile via the previously established search criteria (column 10, line 63 to column 11, line 30);



“presenting personalized content to the subscriber from the subscriber’s unique active voice page during the interactive voice broadcast” – the user terminal 301 restores voice-based material with AM-radio voice quality or better (column 8, lines 55 to 57: Figure 1); the user terminal 301 receives a CES file(s) via the antenna 311, and decompression engine 314 synthesizes the voice using one or more recorded allophone dictionaries by text-to-speech synthesis; the user may pre-select the type of “voice” he wishes to have narrate the requested decompressed information (column 12, lines 16 to 45);

“dynamically interacting with the subscriber in real-time during the interactive voice broadcast via one or more personalized inputs embedded in the active voice page” – a user may browse among CES documents according to temporary established search criteria; a user can request additional information on a registered topic of interest; a user may enter a particular search term (e.g. “weather”) during an on-line session (column 11, lines 13 to 31); implicitly, entering search terms involves “dynamically interacting with the subscriber in real-time during the interactive voice broadcast via one or more personalized input embedded in the active voice page”.

Concerning independent claims 47 and 48, the only element not expressly disclosed by *Lumelsky* is “wherein the generated content includes information derived from an on-line analytical processing (OLAP) system, and where the at least one voice service is executed upon satisfaction of a predetermined condition”. While on-line analytical processing (OLAP) is well known for personalized web pages, *Lumelsky* does not expressly teach on-line analytical processing (OLAP) executed upon satisfaction of

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a predetermined condition. However, *Yost et al.* teaches a system and method for automatic transmission of personalized OLAP report output, wherein the system enables a user to specify global and service-specific personalization information and the specification of trigger criteria. (Abstract) A broadcast module 20 broadcasts personalized information derived from the OLAP system (e.g. a data warehouse 12 and server system 14) to users via one or more user devices 40 such as electronic mail, facsimile, pager, mobile phone, telephone, or PDA. Broadcast module 20 enables users to define services (e.g. queries and reports) that are to be run against an OLAP system based on a predetermined schedule. (Column 4, Lines 4 to 19; Column 5, Line 63 to Column 6, Line 12: Figure 1) A service definition module 42 enables a user to create or modify a service, and a subscription interface module 52 may be used to enable users to update subscriptions to various services. (Column 7, Lines 42 to 49; Column 9, Lines 19 to 27) It is suggested that the advantage of on-line analytical processing (OLAP) is to efficiently retrieve selected information from data warehouses and support complex analyses against large input data sets. (Column 1, Lines 57 to 64) It would have been obvious to one having ordinary skill in the art to provide on-line analytical processing (OLAP) of a service executed upon satisfaction of a predetermined condition as taught by *Yost et al.* in the method for singlecast interactive radio system of *Lumelsky* for the purpose of efficiently retrieving selected information from data warehouses and support complex analyses against large data sets.

Concerning claims 29 to 32 and 38 to 41, *Yost et al.* teaches broadcast module 20 may be connected to an agent, where agents may be a group of reports cached on a

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time- or event-based schedule (“a scheduled, time-based condition” or “triggering event”) for rapid retrieval and batch processing (column 6, lines 58 to 60: Figure 1); broadcast module 20 cooperates with server system 14 and agent module 28 to send personalized information to users at predefined intervals or when criteria specified in reports (“a predetermined condition”) defined through either broadcast module 20 or agent module 28 exceed predefined thresholds (column 7, lines 1 to 30); broadcast module 20 enables users to define services (e.g. queries and reports) that are to be run against an OLAP system; broadcast module 20 outputs the results of services to a subscriber according to criteria established by the subscribers (“the predetermined condition is specified by a user while subscribing”) (column 6, lines 2 to 12: Figure 1).

Concerning claims 33 and 42, *Yost et al.* teaches a broadcast module 20 broadcasts personalized information derived from the OLAP system (e.g. a data warehouse 12 and server system 14) to users via one or more user devices 40 such as electronic mail, facsimile, pager, mobile phone, telephone, or PDA; broadcast module 20 enables users to define services (e.g. queries and reports) that are to be run against an OLAP system based on a predetermined schedule (column 4, lines 4 to 19; column 5, line 63 to column 6, line 12: Figure 1).

Concerning claims 36 and 45, *Yost et al.* teaches user devices 40 can be mobile phones or telephones (column 5, line 60 to column 6, line 1: Figure 1); thus, a session must involve “initiating an outbound telephone call” from either a subscriber or broadcast module 20.

### ***Response to Arguments***

5. Applicants' arguments filed 14 July 2004 have been fully considered but they are not persuasive.

Firstly, Applicants argue *Lumelsky* does not appear to disclose the features of formatting personalized content for a subscriber into a unique active voice page personalized for the subscriber, and presenting the personalized content to the subscriber during the interactive voice broadcast. Applicants say a "list of topics", disclosed by *Lumelsky*, that a user has selected while establishing a profile is not an active voice page, nor does a "list of topics" appear to present personalized content to a subscriber during an interactive voice broadcast. This position is traversed.

A user's "list of topics" is exactly what constitutes "personalized content" and "subscriber-specific personalization information" for a "subscriber's unique active voice page". Those having ordinary skill with the Internet know that a user-specified list of topics defines a personalized web page for, e.g., My Yahoo<sup>®</sup>, a service provided by Yahoo<sup>®</sup> for personalizing web pages. Correspondingly, those skilled in the art would know that voice interactive web pages analogously provide identical services, without necessarily displaying a web page on a display screen. Specifically, *Lumelsky* discloses personal radio station servers (PRSSs) 201 store multiple subscribers' profiles with topics of individual interest, and assemble content material from various Web sites according to topics. (Column 8, Lines 50 to 53: Figure 1) Associated with each user is a profile, which defines the user's topics of interest. The profile content is typically

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defined in terms of a list of topic categories, e.g. international news, sports news, business news, etc. (Column 19, Lines 53 to 58) When a subsequent session is initiated, the user will receive all information listed in the user's list of topics, but only that information pertaining to the user selected topics of interest. (Column 10, Line 63 to Column 11, Line 13) Thus, *Lumelsky* does disclose providing personalized content for a subscriber into a unique active voice page personalized for the subscriber, and presenting the personalized content to the subscriber during the interactive voice broadcast.

Secondly, Applicants argue independent claims 27 and 28 each recite the feature of initiating an outbound communication to the subscriber to establish an interactive voice broadcast, but *Lumelsky* requires a user to initiate a session to retrieve information. This position is traversed.

*Lumelsky* initiates an outbound communication to a subscriber. It is true that *Lumelsky* discloses a user initiates a communication session by issuing a log-on command. (Column 11, Lines 48 to 50) Still, PRSS 201 provides for delivering pre-fetched information to the user terminal. (Column 11, Lines 37 to 47) Generally, PRSS 201 performs singlecast, which is a form of broadcasting personalized information. Specifically, PRSS 201 has an Internet communications manager module 216 and wireless communications manager module 215 for controlling communications functions between the PRSS201, wide area network 402, and a user terminal. (Column 20, Lines 53 to 63: Figure 3) Thus, PRSS 201 must "initiate an outbound communication to the

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subscriber" via wireless communication manager module 215 to provide information to a user terminal.

Therefore, the rejections of claims 27, 28, 34, 35, 37, 43, 44, and 46 under 35 U.S.C. 102(e) as being anticipated by *Lumelsky*, and of claims 29 to 33, 36, 38 to 42, 45, 47, and 48 under 35 U.S.C. 103(a) as being unpatentable over *Lumelsky* in view of *Yost et al.*, are proper.

### ***Conclusion***

Applicants' amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (703) 308-

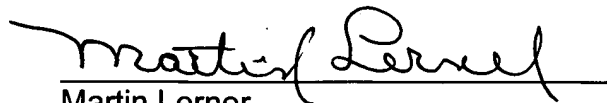
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9064. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Martin Lerner  
Examiner  
Group Art Unit 2654